

REMARKS

Claims 13 – 24 are in the application. Reconsideration and withdrawal of rejections is requested in view of the following remarks.

Rejection under 35 U.S.C. § 102

Claims 13-24 stand rejected under 35 U.S.C. § 102b as allegedly anticipated by Kumar et al., USPN 6,022,827 (“Kumar”) as indicated in the International Search Report dated July 10, 2003, note Figure 1 and col. 2, lines 12-41 of Kumar et al. ‘827. Applicants have reviewed the reference with care, paying particular attention to the figure and passage cited and respectfully disagree.

The claimed invention provides a composition comprising biological materials which is used form a layer of nutrient matrix on at least partially denuded land to include among other purposes, to establish vegetation on the partially denuded land. The composition includes biological materials, binder, water retentive agent and plant nutrients. Kumar only discloses sod having a plurality of viable plants growing in a root support matrix. See, in particular, column 2, lines 12-41 of the Kumar, ‘827 patent.

The composition of the nutrient matrix in the present invention is different from that of the root support matrix of Kumar. The nutrient matrix of the present invention comprises biological materials, in which the biological materials can be selected from, for example, crop refuse, dejecta of animals, municipal waste which is separated from metal, plastic, glass and other undesired substances, and mixtures thereof. The root support matrix of Kumar is not composed of biological material that is separated from undesired substances such as metal, plastic and/or glass. The root support matrix of Kumar includes substantial soil and discrete carpet pieces. Furthermore, Kumar’s

support matrix does not include a water retentive agent and a binder as are included in the presently claimed invention. Thus, the claimed elements, a water retentive agent and a binder, are entirely absent from Kumar et al. (U.S. Patent No. 6,022,827).

Furthermore, Kumar discloses a sod that is first laid upon a substrate such as a slab of concrete or a sheet of plastic film. In contrast, the nutrient matrix of the present invention can be laid directly on a desert or denuded land in a large scale.

For the above reasons, Applicant submits that claims 13 – 24 are not and cannot be anticipated by the Kumar, '827 reference and respectfully request the Examiner to remove this rejection.

Claims 13-24 also stand rejected under 35 U.S.C. § 102a as allegedly anticipated by Chinese reference CN1318284A ("CN284") as indicated in the International Search Report dated July 10, 2003, note Figure 5 and page 12, line 8 through page 13, line 10 of the '284 reference. Applicants have reviewed the reference with care, paying particular attention to the figure and passage cited and respectfully disagree.

The CN284 reference discloses a type of liquid material which can be sprayed onto a land surface to form a solid film. See page 12, line 8 to page 12, line 10. This is not a nutrient matrix as claimed in the present invention which comprises a solid material that can be laid out onto a partially denuded land or a desert. Furthermore, the liquid material of CN284 does not include a water retentive agent nor is it composed of biological material which has been separated from undesired substances such as metal, plastic or glass. Instead, CN284 is a liquid material which consists primarily of solvent, polymer resin, and fertilizer. For the above reasons, Applicant submits that claims 13 – 24 are not and cannot be anticipated by the CN284 reference and respectfully request the Examiner to remove this rejection.

Claims 13-24 also stand rejected under 35 U.S.C. § 102a as allegedly anticipated by Chinese reference CN 2343789Y (CN789Y) as indicated in the International Search Report dated July 10, 2003, note Figure 1 and page 1, line 22 through page 2, line 4 of the CN789Y reference. Applicants have reviewed the reference with care, paying particular attention to the figure and passage cited and respectfully disagree.

The reference, CN 2343789Y, discloses a product of double layers of geotextile material with seeds and fertilizer between the two layers of geotextile material. See, page 1, line 22 to page 4, line 4. The disclosed double layer product employs chemical fibers to hold the seeds and fertilizer in place. The CN789Y disclosure does not disclose a nutrient matrix which comprises biological materials, in which the biological materials can be selected from, for example, crop refuse, dejecta of animals, municipal waste which is separated from metal, plastic, glass and other undesired substances, and mixtures thereof as claimed in the present invention. Therefore, claims 13-24 are not anticipated by the CN789Y reference.

Claims 13-24 also stand rejected under 35 U.S.C. § 102a as allegedly anticipated by Chinese reference CN1316178 (“178A”) as indicated in the International Search Report dated July 10, 2003, note page 2, lines 1-5 of the ‘178A reference. Applicants have reviewed the reference with care, paying particular attention to the figure and passage cited and respectfully disagree.

The reference, CN1316178, discloses a soil-less product for use in culturing an ecological lawn in a carpet-type fashion. The “carpet” includes peat, perlite, plant ash and rice husk and is rolled prior to use. See, page 1, line 10 to page 10, line 10. The CN178A disclosure does not disclose a nutrient matrix which comprises biological materials, in which the biological materials can be selected from, for example, crop

refuse, dejecta of animals, municipal waste which is separated from metal, plastic, glass and other undesired substances, and mixtures thereof as claimed in the present invention. Therefore, claims 13-24 are not anticipated by the CN178A reference.

In view of the above, Applicants submit that the application is in condition for allowance and respectfully urge the Examiner to pass this case to issue. A Notice of Allowance is requested.

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Respectfully submitted,

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